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10/718,869	11/20/2003	Beena Somaroo	694231/0119	1478

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EXAMINER
TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/718,869	SOMAROO ET AL.
	Examiner	Art Unit	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action corresponds to application 10/718,869 filed 11/20/2003.

Claims 1-15 have been examined and are pending prosecution in this application.

Response to Amendment

This Office Action is in response to Applicant's remarks and amendments submitted

12/11/2006. Claims 1-15 remain pending.

Claim Objections

The previous claim objections have been withdrawn.

Drawings

Objections to the drawings have been acknowledged and accepted.   Therefore the

respective objections have been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1, 13, and 15 are rejected, the phrase "for use" renders the claim

indefinite because it is unclear whether the limitations following the phrase are part of the

claimed invention. In this case, the lead and action records *for use* only imply an *intended* use

for the invention. It is unclear whether this use is a required step in the present invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 7, 11-12, and 13-15 are rejected under 35 U.S.C. 103(a) as being anticipated by

Cook (U.S. Patent Application 2002/0059095) in view of Espenes et al. ('Espenes' hereafter)

(U.S. Patent 7,110,967 B1). Cook and Espenes disclose the following:

With respect to claim 1, A method of tracking a user's interaction with a listing service

(0010, 0042), the method comprising:

receiving inquiry data (68, 70, 72, 74, 76, 78, 80) related to an initial inquiry of the user

with the listing service as a customer needs/feedback form 18 (figure 2, 0012, col. 1 of page 2);

creating a lead record 32 using the received inquiry data (68, 70, 72, 74, 76, 78, 80) as

lead profile record (0012, line 1-5 of col. 2, page 2);

storing the lead record 32 in a database (abstract, 44);

creating an action record (112, 118, 122) associated with the lead record 32 each time

data related to an action to be taken in furtherance of the initial inquiry is identified (figure 2,

0012, line 45-55 of col. 2 page 2);

storing the action record (112, 118, 122) in the database (44);

populating an interface (14 and 0012, page 3, col. 1 line 1-10, and 0013) accessible by the

user (customer) with information stored in the lead 32 and action records (112, 118, 122), and

with information related to the initial inquiry received from one or more ancillary services (0011,

0012 page 3, figure 2, drawing reference 118).

Cook fails to expressly teach the lead and action records for use in providing the user

with a status of the user's inquiry.

Espenes, however, teaches providing the user with a status of the user's inquiry (col. 6

line 58-61, col. 7 line 24-31 and figure 5) for further enhancing on-line selling.

In the same field of endeavor, (i.e. online selling and information management), it would

have been obvious to one of ordinary skill in the data processing art at the time of the present

invention to combine the teachings of the cited references because the teaching of Espenes would

have provided to Cook a method to enhance on-line selling which is sought after by Cook

(paragraph 0002). Therein Cook shows a need for a company that offers goods and services to a

customer to improve its marketing strategies. Furthermore, customer relationships would be

improved as a result of the combination of the references.

With respect to claim 7, the ancillary service is an electronic mail service (0006).

With respect to claim 11, he method of claim 1, receiving inquiry data from an application operative on a computing device of the user (abstract, figure 1).

With respect to claim 12, wherein the steps of receiving inquiry data (68, 70, 72, 74, 76, 78, 80) related to an initial inquiry of the user with the listing service and creating a lead record 32 using the received inquiry data further comprise:

receiving inquiry data (68, 70, 72, 74, 76, 78, 80) from a user computer (12, 14) at the listing service (abstract, figure 1);

capturing the inquiry data at the listing service (34, 32, figure 1);

making a remote procedure call 22 to access an application programming interface from a listing service to a tracking system (tracking buyer leads 0010) operative with programming to generate a lead record 32 (figure 1, 0010, 0012);

transmitting the inquiry data to the tracking system (figure 1) from the listing service; and

creating a lead record using the received inquiry data (abstract, 0012 and figure 1).

With respect to claim 13, A method of tracking a user's interaction with a listing service, the method comprising:

receiving inquiry data (68, 70, 72, 74, 76, 78, 80) from a user computer at a listing service 34, 32 as a customer needs/feedback form (figure 2, 0012, col. 1 of page 2);

capturing the inquiry data (68, 70, 72, 74, 76, 78, 80) at the listing service (figure 1, 32, 0012);

transmitting the inquiry data to the tracking system from (figure 1) the listing service

(abstract, 0012 and figure 1);

creating a lead record 32 using the received inquiry data; storing the lead record 32 in a

database (32, 0012);

creating an action record associated with the lead record (32) each time data related to an

action to be taken in furtherance of the initial inquiry is identified (figure 2, 0012);

storing the action record (112, 118, 122) in the database 44;

populating an interface accessible by the user (14 and 0013) with information stored in

the lead (32) and action records (112, 118, 122), and with information related to the initial

inquiry received from one or more ancillary services (0011, 0012 page 3, figure 2, drawing

reference 118).

Cook fails to expressly teach the lead and action records for use in providing the user

with a status of the user's inquiry.

Espenes, however, teaches providing the user with a status of the user's inquiry (col. 6

line 58-61, col. 7 line 24-31 and figure 5) for further enhancing on-line selling.

In the same field of endeavor, (i.e. online selling and information management), it would

have been obvious to one of ordinary skill in the data processing art at the time of the present

invention to combine the teachings of the cited references because the teaching of Espenes would

have provided to Cook a method to enhance on-line selling which is sought after by Cook

(paragraph 0002). Therein Cook shows a need for a company that offers goods and services to a

customer to improve its marketing strategies. Furthermore, customer relationships would be

improved as a result of the combination of the references.

With respect to claim 14, A system for tracking a user's interaction with one or more listing services (abstract 0010, 0042), the system comprising:

a server system (server, 0045) accessible via one or more networks by one or more computing devices of a user and capable of communicating with the listing services via one or more of the networks (0027);

a database system (44) in communication with the server system (server, 0045);

wherein the server system (server, 0045) includes programming to receive lead data from the listing services, generate a lead record (32), and store the lead record (32) in the database system (fig. 1, 0027);

wherein the serving system further includes programming to generate a user interface accessible to the user that displays a summary of the user's stored lead records (0013, page 3, col. 1 line 45-55);

wherein the server system (server, 0045) further includes programming to interact with at least one ancillary service system and provide information generated or received into the ancillary service system to the user (0011, 0012 page 3, figure 2, drawing reference 118);

wherein the server system (server, 0045) further includes programming to receive action data, generate an action record 112, 118, 122, store the action record in the database system 44, and provide information about the action record to the user (figures 1-2, 0012).

Cook fails to expressly teach the lead and action records for use in providing the user with a status of the user's inquiry.

Espenes, however, teaches providing the user with a status of the user's inquiry (col. 6 line 58-61, col. 7 line 24-31 and figure 5) for further enhancing on-line selling.

In the same field of endeavor, (i.e. online selling and information management), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teaching of Espenes would have provided to Cook a method to enhance on-line selling which is sought after by Cook (paragraph 0002). Therein Cook shows a need for a company that offers goods and services to a customer to improve its marketing strategies. Furthermore, customer relationships would be improved as a result of the combination of the references.

With respect to claim 15, A tracking system application for tracking a user's interactions with a listing service (figure 1, 0010, page 2, col. 1 line 1-11), the application comprising:

a client-side component operative on a user computer capable of monitoring a user's interaction with the listing service 16, 18 so as to capture inquiry data and electronically communicate the inquiry data via a network (figure 1);

a server-side component operative on a server system (server, 0045) capable of communication with the network, the server-side component (fig. 1, 0045, page 6, col. 2 line 16-25) including programming to:

generate a user interface (14) accessible to the user that displays a summary of the user's stored lead records (0013);

interact with at least one ancillary service system and provide information generated by or received into the ancillary service system to the user (0011, 0012 page 3, figure 2, drawing reference 118);

and receive action data, generate an action record, store the action record 112, 118, 122 in

the database system (44), and provide information about the action record to the user (figure 2,

0012);

Cook fails to expressly teach the lead and action records for use in providing the user

with a status of the user's inquiry.

Espenes, however, teaches providing the user with a status of the user's inquiry (col. 6

line 58-61, col. 7 line 24-31 and figure 5) for further enhancing on-line selling.

In the same field of endeavor, (i.e. online selling and information management), it would

have been obvious to one of ordinary skill in the data processing art at the time of the present

invention to combine the teachings of the cited references because the teaching of Espenes would

have provided to Cook a method to enhance on-line selling which is sought after by Cook

(paragraph 0002). Therein Cook shows a need for a company that offers goods and services to a

customer to improve its marketing strategies. Furthermore, customer relationships would be

improved as a result of the combination of the references.

Claims 2-5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Cook and Espenes ('Cook-Espenes') as applied to claims 1, 7, 11-12, and 13-15

above in view of Rinebold et al ('Rinebold' hereinafter) (U.S. Patent 6,968,513).

With respect to claim 2, Cook-Espenes fail to expressly disclose a website having job

postings listed thereon.

Rinebold, however teaches this limitation (abstract, figure 10A-C) to enable on-line shoppers to view the business listings (col. 4, line1-5).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rinebold's system would have given Cook-Espenes' system an interactive website for displaying advertising, business listings and referring users such as shoppers to web sites of listed merchants (col. 3 line 54-60).

Similar claims 3-5 are rejected for the same rational, as the web page of (10A) is a site having real estate postings, personal ads, and automobile postings. See also the abstract.

With respect to claim 8, the ancillary service is an advertising system

Rinebold, however discloses this limitation (col. 6 line 63-67) as an extended service.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rinebold's system would have given Cook-Espenes' system an interactive website for displaying advertising, business listings and referring users such as shoppers to web sites of listed merchants (col. 3 line 54-60). Furthermore, the extended services of Rinebold would have given Cook-Espenes' system interactive capability (col. 6 line 30-35).

With respect to claim 10, Rinebold discloses the ancillary service is a news system (col. 6 line 29-45) as an extended service.

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because Rinebold's

system would have given Cook-Espenes' system an interactive website for displaying

advertising, business listings and referring users such as shoppers to web sites of listed

merchants (col. 3 line 54-60). Furthermore, the extended services of Rinebold would have given

Cook's system interactive capability (col. 6 line 30-35).

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook-

Espenes as applied to claims 1, 7, 11-12, and 13-15 above in view of Wilkins et al ('Wilkins'

hereinafter) (U.S. Patent 6,868,389).

With respect to claim 6, Cook-Espenes fails to expressly disclose the listing service is a

web site having auction items listed thereon.

Wilkins, however, discloses this limitation as auction boards (col. 3 lines 40-45) for

identifying purchase indicators.

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because Wilkins' system

would have given Cook-Espenes' system a cost-effective method for generating large numbers

of intender leads (col. 2 lines 55-67).

With respect to claim 9, Cook-Espenes fails to disclose the ancillary service is a road

navigation system (col. 10 lines 56-60).

Wilkins, however, discloses this limitation (col. 10 line 56-65) for identifying listings of homes for sale by including a street address of the property for sale.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Wilkins' would have provided Cook-Espenes' system with a cost-effective method for generating intender leads (col. 2 lines 55-67).

Response to Arguments

Applicant's arguments filed 12/11/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments on the first paragraph of page 13, the recitation of a method of tracking a user's interaction with a listing service has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In any effect, however, a customer's interaction is tracked by Cooks invention. For example in figure 1, it is shown that a customer (prospect (lead)) can access a corporate Internet site (14), which leads to capturing customer information (i.e. lead information). This at least, is an interaction with the corporate service (i.e. a listing service), which has been in effect

"tracked" when the user interacted with it. The Examiner submits that the customer accessing

the corporate site is the interaction and the customer filling out needs and feedback form is the

same as tracking that interaction.

The Applicant further argues on page 13 of the remarks that Cook does not teach a

method of tracking a user's interaction with a listing service and furthermore Cook does not

involve listing services or tracking a user's interactions with a listing service. The Examiner

respectfully disagrees for the subsequent reasons:

Cook teaches a lead management system which collects and organizes customer-

marketing data. This collected data is made available to businesses to asses and use to measure

the customer's interest level in goods or services (abstract and technical field). Further, Cook's

invention allows the business to track performance and respond to customer needs or inquiries

(0006).

In Cook's disclosure, the various companies that have goods/services (abstract) can be

construed to equal the claimed listing service. That is, the business in which the customer is

interested in is comparable to the claimed listing service (i.e. they both essentially "list" items for

sale). Cook's invention also discloses that a business can list their products and services (page 2,

paragraph 0012, line 46-47).

Next, on page 13, Applicant argues that Cook does not teach creating and storing a lead

and action record. The Examiner disagrees because a lead record is explicitly taught at least in

figures 1-3 as noted in the above rejection. That is, information from the customer (i.e. customer

needs/feedback form along with customer contact information is gathered to create a lead profile

(32 of figure 1). This profile is stored in a database (abstract).

An action record is also created and stored in Cook. For example, the customer

needs/feedback form discloses a section (e.g. last sheet of figure 2) that defines a series of

options for the customer lead to choose a particular course of action regarding the business's

goods and services (also on page 2, col. 2 line 50-55). In this effect, actions associated with the

lead record are created (i.e. an action record) and can also provide a contacting method to the

customer. Finally, Cook's action record is stored along with the lead record.

Applicant's arguments with respect to the applied art not teaching the lead and action

records for use in providing the user with a status of the user's inquiry of claims 1 and 13-15

have been considered but are moot in view of the new ground(s) of rejection. It is respectfully

submitted that the Espenes reference teaches this limitation as seen in the rejection of these

claims above.

On page 13, the Applicant argues that the Cook reference fails to teach an interface

accessible by the user which is populated using the lead and action records, let alone a user

interface that is populated with information related to the user's initial inquiry received from one

or more ancillary services. The Examiner respectfully disagrees.

In the portion of Cook's paragraph 0012 found on page 3, it is disclosed that collateral

web pages from the company's Internet site appear allowing the customer lead to select which

product or service the customer would like to view an online video clip of. Here, in the customer

needs/feedback portion, options are selected to specify a course of action. At least from this citation, the lead profile (lead record) is used to populate an interface accessible by the user (action record). Specifically, and action chosen by the customer in the form provides information to the user. For example, if option 116 were chosen, more information would appear to the customer (e.g. via email fax or print out). The use of email to send product and service information to the customer meets the ancillary services limitation (0006).

In respect to Applicant's argument on the bottom of page 13 that Wilkins in no way is related to the invention of the present claims, the Examiner disagrees.

Wilkins teaches generating intender leads including the steps of identifying purchase indicators and extracting prospect identifiers from the purchase indicators. Wilkins is closely related to the present invention, as they are concentrated on lead generation. The intender of Wilkins is a lead for a person intending to make a purchase of a particular product or service. Thus, Wilkins relates to the lead based concept of the present invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application 2003/0182171 to Vianello. The subject matter disclosed therein pertains to the pending claims (i.e. inquiry status [0098]).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
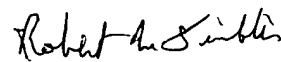
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin

Patent Examiner AU 2167

2/28/2007

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